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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,899

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Joel D. Daugherty

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10/06/2006

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,899

Applicant(s)

DAUGHERTY ET AL.

Examiner

Olisa Anwah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 17-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Broman et al, U.S. Patent Application Publication No. 2004/0240631 (hereinafter Broman).

Regarding claim 17, Broman discloses a method for identifying a fraudulent voice signature, comprising:

accessing a fraudulent voice signature file comprising a plurality of fraudulent voice signatures;

receiving a user voice signature;

comparing the user voice signature to at least a portion of the plurality of fraudulent voice signatures;

Art Unit: 2614

determining whether the user voice signature matches a fraudulent voice signatures;

identifying the user voice signature as fraudulent if the user voice signature matches a fraudulent voice signature; and

identifying one of a plurality of accounts associated with the user voice signature identified as fraudulent (see Figures 3-5).

Regarding claim 18, see paragraph 0044.

Claim 19 is rejected for the same reasons as claim 17.

Claim 20 is rejected for the same reasons as claim 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8-13, 16 and 21 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yuschik et al, U.S. Patent

Art Unit: 2614

Application Publication No. 2002/0152078 (hereinafter Yuschik)

in view of Broman.

Regarding claim 1, Yuschik discloses a method for detecting unauthorized access, comprising:

receiving a voice input associated with a request to access an account;

generating a request voice signature corresponding to the voice input associated with the request;

retrieving an authorized voice signature corresponding to the account;

comparing the request voice signature corresponding to the voice input with the authorized voice signature corresponding to the account; and

detecting unauthorized access in response to the comparison (paragraphs 0032 and 0034).

With further respect to claim 1, Yuschik mentions storing digital copies of an unauthorized user's spoken passcode (see paragraph 0044). However Yuschik fails to teach accessing a fraudulent voice signature file and identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file. Nonetheless Broman discloses these limitations (see Figures 3-5). Therefore it

Art Unit: 2614

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuschik with the fraudulent voice signature file of Broman. This modification would have improved the system's reliability by minimizing fraud in telephonic transactions as suggested by Broman (see paragraph 0005).

Regarding claim 2, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 3, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 4, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 5, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 8, see paragraph 0005 of Yuschik.

Claim 9 is rejected for the same reasons as claim 1.

Claim 10 is rejected for the same reasons as claim 2.

Claim 11 is rejected for the same reasons as claim 3.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected for the same reasons as claim 5.

Claim 16 is rejected for the same reasons as claim 8.

Claim 21 is rejected for the same reasons as claim 1.

Allowable Subject Matter

5. Broman discloses determining if the fraudulent voice signature file comprises the request voice signature (see Figures 3-5). However Broman fails to teach adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signal. As a result, claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 22 is allowed for the same reasons.

Response to Arguments

6. Applicant alleges that Broman does not teach identifying a user associated with the request voice signature. The Examiner respectfully disagrees. Because Broman discloses the identification of the person can be associated with the voice print (see paragraph 0042), Broman teaches the claimed limitation of identifying a user associated with the request voice signature.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or

Art Unit: 2614

modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yuschik discusses a method for detecting unauthorized access. While Yuschik fails to teach the claimed accessing and identifying limitations, Broman fills in this gap (see Figures 3-5) and provides a reason as to why these features are useful (see paragraph 0005). As a result, the combination of Yuschik and Broman teaches the claimed limitations of claims 1-5, 8-13, 16, 21 and 22.

Applicant then argues Broman fails to show an existing user account is identified as fraudulent based on the comparison. Applicant is absolutely correct. Nowhere does Broman indicate that an existing user account is identified as fraudulent based on the comparison. However the Examiner submits that Applicant's claims do not recite that an existing user account is identified as fraudulent based on the comparison. Rather the claims are broadly directed towards identifying one of a plurality of accounts that is associated with the fraudulent user voice signature. Because Broman identifies (1) an account and (2) an

Art Unit: 2614

associated fraudulent voice signature (see paragraph 0016-0018), Broman discloses identifying one of a plurality of accounts associated with the user voice signature identified as fraudulent.

Applicant also contends that Broman fails to teach the recited techniques of claim 18. The Examiner respectfully disagrees because the probability, threshold, algorithms, comparison and statistical analysis disclosed by Broman (see paragraph 0044) all read on the recited technique of claim 18. To the extent that the Applicant maintains that Broman does not show the claimed technique, the Examiner will not allow the claimed limitations because Kuhn et al, U.S. Patent No. 6,141,644 (hereinafter Kuhn) clearly teaches the recitations of claim 18 (see Figure 4).

Conclusion

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

Art Unit: 2614

is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Application/Control Number: 10/659,899

Page 10

Art Unit: 2614

O.A.
Olisa Anwah

Patent Examiner

September 27, 2006

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SUPERVISORY PATENT EXAMINER
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